

CATEGORICAL EXCLUSION ACTION CLASSIFICATION FORM

TIP Project No.	<u>N/A</u>
WBS Project No.	<u>13201.1028012 Dare</u>
Federal Project No.	<u>NC11-01 (FMIS 2011-01)</u>

- A. Project Description: (Include project scope and location and refer to the attached project location map.)

Emergency NC 12 repair at the southern end of the Pea Island National Wildlife Refuge (PINWR) and in Rodanthe, DARE COUNTY - Due to damage caused by Hurricane Irene on August 27, 2011 along NC 12 at the southern end of the PINWR and in Rodanthe, NCDOT is proposing the following:

- Restore existing NC 12 roadway by filling the breach to an elevation that matches the existing road grade. An existing upland borrow site in Avon will be used to provide approximately 55,000 cubic yards of material.
- Repave approximately 2000 feet of roadway to match pre-storm conditions.
- Install approximately 240 linear feet of sandbags at two locations on the west side of the new fill material to stabilize the roadbed in Rodanthe.
- Install an approximate total of 370 linear feet of sandbags at two locations on the east side and approximately 150 linear feet of sandbags at one location on the west side of the new fill material to stabilize the roadbed within the PINWR.
- Sandbags that were placed within the PINWR under previous US Fish and Wildlife Service and Coastal Area Management Act (CAMA) permits will be restored to their original location and capped with sand to form a dune.

To the extent possible, work will be contained within the existing 100' easement within the PINWR; however, minor easement modifications are likely in order to safely restore NC 12.

- B. Purpose and Need:

The purpose of this project is to repair existing NC 12 and to maintain connectivity along the only highway facility on Hatteras Island. NC 12 is a vital link between the Outer Banks and the mainland to people that live on Hatteras Island and depend on mobility along that route.

- C. Proposed Improvements:

Circle one or more of the following Type II improvements which apply to the project: **This is an Emergency Action, usually covered under Type I CE's (item #9-Governor Declared Emergency), however due to potential**

environmental concerns and location of proposed work within the PINWR, a Type II form has been used.

1. Modernization of a highway by resurfacing, restoration, rehabilitation, reconstruction, adding shoulders, or adding auxiliary lanes (e.g., parking, weaving, turning, climbing).
 - a. Restoring, Resurfacing, Rehabilitating, and Reconstructing pavement (3R and 4R improvements)
 - b. Widening roadway and shoulders without adding through lanes
 - c. Modernizing gore treatments
 - d. Constructing lane improvements (merge, auxiliary, and turn lanes)
 - e. Adding shoulder drains
 - f. Replacing and rehabilitating culverts, inlets, and drainage pipes, including safety treatments
 - g. Providing driveway pipes
 - h. Performing minor bridge widening (less than one through lane)
 - i. Slide Stabilization
 - j. Structural BMP's for water quality improvement
2. Highway safety or traffic operations improvement projects including the installation of ramp metering control devices and lighting.
 - a. Installing ramp metering devices
 - b. Installing lights
 - c. Adding or upgrading guardrail
 - d. Installing safety barriers including Jersey type barriers and pier protection
 - e. Installing or replacing impact attenuators
 - f. Upgrading medians including adding or upgrading median barriers
 - g. Improving intersections including relocation and/or realignment
 - h. Making minor roadway realignment
 - i. Channelizing traffic
 - j. Performing clear zone safety improvements including removing hazards and flattening slopes
 - k. Implementing traffic aid systems, signals, and motorist aid
 - l. Installing bridge safety hardware including bridge rail retrofit
3. Bridge rehabilitation, reconstruction, or replacement or the construction of grade separation to replace existing at-grade railroad crossings.
 - a. Rehabilitating, reconstructing, or replacing bridge approach slabs
 - b. Rehabilitating or replacing bridge decks
 - c. Rehabilitating bridges including painting (no red lead paint), scour repair, fender systems, and minor structural improvements
 - d. Replacing a bridge (structure and/or fill)
4. Transportation corridor fringe parking facilities.
5. Construction of new truck weigh stations or rest areas.
6. Approvals for disposal of excess right-of-way or for joint or limited use of right-of-way, where the proposed use does not have significant adverse impacts.

7. Approvals for changes in access control.
8. Construction of new bus storage and maintenance facilities in areas used predominantly for industrial or transportation purposes where such construction is not inconsistent with existing zoning and located on or near a street with adequate capacity to handle anticipated bus and support vehicle traffic.
9. Rehabilitation or reconstruction of existing rail and bus buildings and ancillary facilities where only minor amounts of additional land are required and there is not a substantial increase in the number of users.
10. Construction of bus transfer facilities (an open area consisting of passenger shelters, boarding areas, kiosks and related street improvements) when located in a commercial area or other high activity center in which there is adequate street capacity for projected bus traffic.
11. Construction of rail storage and maintenance facilities in areas used predominantly for industrial or transportation purposes where such construction is not inconsistent with existing zoning and where there is no significant noise impact on the surrounding community.
12. Acquisition of land for hardship or protective purposes, advance land acquisition loans under section 3(b) of the UMT Act. Hardship and protective buying will be permitted only for a particular parcel or a limited number of parcels. These types of land acquisition qualify for a CE only where the acquisition will not limit the evaluation of alternatives, including shifts in alignment for planned construction projects, which may be required in the NEPA process. No project development on such land may proceed until the NEPA process has been completed.
13. Acquisition and construction of wetland, stream and endangered species mitigation sites.
14. Remedial activities involving the removal, treatment or monitoring of soil or groundwater contamination pursuant to state or federal remediation guidelines.

D. Special Project Information: (Include Environmental Commitments and Permits Required.)

This project will require an Emergency CAMA Major Permit from the Division of Coastal Management and a Special Use Permit from the US Fish and Wildlife Service. The project is exempted from Section 404 under the US Army Corps of Engineers Nationwide Permit #45.

De-watering of the site will be performed in a manner that does not cause further erosion of the beach face.

E. Threshold Criteria

The following evaluation of threshold criteria must be completed for Type II actions:

<u>ECOLOGICAL</u>	<u>YES</u>	<u>NO</u>
(1) Will the project have a substantial impact on any unique or important natural resource?	<input type="checkbox"/>	<u>X</u>
(2) Does the project involve habitat where federally listed endangered or threatened species may occur?	<input checked="" type="checkbox"/>	_____
(3) Will the project affect anadromous fish?	<input type="checkbox"/>	<u>X</u>
(4) If the project involves wetlands, is the amount of permanent and/or temporary wetland taking less than one-tenth (1/10) of an acre and have all practicable measures to avoid and minimize wetland takings been evaluated?	<u>X</u>	<input type="checkbox"/>
(5) Will the project require the use of U. S. Forest Service lands?	<input type="checkbox"/>	<u>X</u>
(6) Will the quality of adjacent water resources be adversely impacted by proposed construction activities?	<input type="checkbox"/>	<u>X</u>
(7) Does the project involve waters classified as Outstanding Water Resources (OWR) and/or High Quality Waters (HQW)?	<input type="checkbox"/>	<u>X</u>
(8) Will the project require fill in waters of the United States in any of the designated mountain trout counties?	<input type="checkbox"/>	<u>X</u>
(9) Does the project involve any known underground storage tanks (UST's) or hazardous materials sites?	<input type="checkbox"/>	<u>X</u>
<u>PERMITS AND COORDINATION</u>	<u>YES</u>	<u>NO</u>
(10) If the project is located within a CAMA county, will the project significantly affect the coastal zone and/or any "Area of Environmental Concern" (AEC)?	<input type="checkbox"/>	<u>X</u>
(11) Does the project involve Coastal Barrier Resources Act resources?	<input checked="" type="checkbox"/>	_____
(12) Will a U. S. Coast Guard permit be required?	<input type="checkbox"/>	<u>X</u>
(13) Will the project result in the modification of any existing regulatory floodway?	<input type="checkbox"/>	<u>X</u>

(14)	Will the project require any stream relocations or channel changes?	<input type="checkbox"/>	<u> X </u>
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SOCIAL, ECONOMIC, AND CULTURAL RESOURCES

<u>YES</u>	<u>NO</u>
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(15)	Will the project induce substantial impacts to planned growth or land use for the area?	<input type="checkbox"/>	<u> X </u>
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(16)	Will the project require the relocation of any family or business?	<input type="checkbox"/>	<u> X </u>
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(17)	Will the project have a disproportionately high and adverse human health and environmental effect on any minority or low-income population?	<input type="checkbox"/>	<u> X </u>
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(18)	If the project involves the acquisition of right of way, is the amount of right of way acquisition considered minor?	<u> X </u>	<input type="checkbox"/>
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(19)	Will the project involve any changes in access control?	<input type="checkbox"/>	<u> X </u>
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(20)	Will the project substantially alter the usefulness and/or land use of adjacent property?	<input type="checkbox"/>	<u> X </u>
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(21)	Will the project have an adverse effect on permanent local traffic patterns or community cohesiveness?	<input type="checkbox"/>	<u> X </u>
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(22)	Is the project included in an approved thoroughfare plan and/or Transportation Improvement Program (and is, therefore, in conformance with the Clean Air Act of 1990)?	<input type="checkbox"/>	<u> X </u>
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(23)	Is the project anticipated to cause an increase in traffic volumes?	<input type="checkbox"/>	<u> X </u>
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(24)	Will traffic be maintained during construction using existing roads, staged construction, or on-site detours?	<input type="checkbox"/>	<u> X </u>
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(25)	If the project is a bridge replacement project, will the bridge be replaced at its existing location (along the existing facility) and will all construction proposed in association with the bridge replacement project be contained on the existing facility?	<u> N/A </u>	<input type="checkbox"/>
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(26)	Is there substantial controversy on social, economic, or environmental grounds concerning the project?	<input type="checkbox"/>	<u> X </u>
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(27)	Is the project consistent with all Federal, State, and local laws relating to the environmental aspects of the project?	<u> X </u>	<input type="checkbox"/>
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(28)	Will the project have an "effect" on structures/properties eligible for or listed on the National Register of Historic Places?	<input type="checkbox"/>	<u> X </u>
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- (29) Will the project affect any archaeological remains which are important to history or pre-history? ☐ X
- (30) Will the project require the use of Section 4(f) resources (public parks, recreation lands, wildlife and waterfowl refuges, historic sites, or historic bridges, as defined in Section 4(f) of the U. S. Department of Transportation Act of 1966)? ☒
- (31) Will the project result in any conversion of assisted public recreation sites or facilities to non-recreation uses, as defined by Section 6(f) of the Land and Water Conservation Act of 1965, as amended? ☐ X
- (32) Will the project involve construction in, across, or adjacent to a river designated as a component of or proposed for inclusion in the National System of Wild and Scenic Rivers? ☐ X

F. Additional Documentation Required for Unfavorable Responses in Part E
(Discussion regarding all unfavorable responses in Part E should be provided below. Additional supporting documentation may be attached, as necessary.)

Item (2) - The sandbag and fill placement will temporarily involve habitat where federally listed endangered or threatened species may occur, as it is adjacent to the shoreline within the PINWR. NCDOT will conduct the work in consultation with PINWR and NC Division of Coastal Management staff. This emergency repair meets the criteria of 50 CFR 402.05.

Item (11) - This property is listed under the Coastal Barrier Resource Act as being "otherwise protected areas." The restoration of NC 12 and the sandbag replacement/addition project will have no effect on the status of the listing with the Coastal Barrier Resource Act.

Item (22) - The project is an emergency response to damage caused by Hurricane Irene and will restore a previously existing section of NC 12. The project is in conformance with the Clean Air Act of 1990.

Item (24) - The project will restore a section of NC 12 that has been breached. Construction activities are expected to have a duration of 1-2 weeks; therefore, temporary detours are not anticipated.

Item (30) - Work will occur within the PINWR outside of the existing 100- foot easement, constituting a "use" of a Section 4(f) resource. However, PINWR staff have approved this work and (as of 9/1/11) are expected to issue a Special Use Permit for the project. The State Historic Preservation Office has also concurred that the project will have "No Effect" on the PINWR under Section 106.

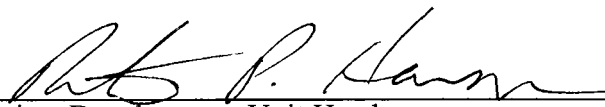
G. CE Approval

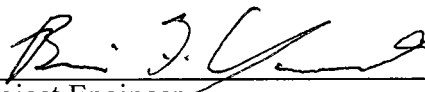
TIP Project No. N/A
WBS Project No. 13201.1028012 Dare
Federal-Aid Project No. NC11-01 (FMIS 2011-01)


Categorical Exclusion Action Classification: (Check one)

☒ TYPE I (with FHWA Approval)
☐ TYPE II(A)
☐ TYPE II(B)

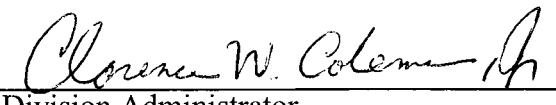
Approved:

9/2/11
Date

Project Development Unit Head
Project Development and Environmental Analysis Branch

9-2-11
Date

Project Engineer
Project Development and Environmental Analysis Branch

9/2/11
Date

Project Planning Engineer
Project Development and Environmental Analysis Branch

For Type II(B) projects only:

9/2/11
Date

Division Administrator
for Federal Highway Administration